

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ELVIRA DeANDA LAZURE §
§
Plaintiff, §
§
V. § CIVIL ACTION NO. 4:22-cv-521
§
ACORN STAIRLIFTS, INC. §
§
Defendant. §

**DEFENDANT ACORN STAIRLIFTS, INC.'S
NOTICE OF REMOVAL**

Defendant, Acorn Stairlifts, Inc. ("Acorn") files this Notice of Removal pursuant to 28 U.S.C. § 1446(a).

Introduction

1. On January 12, 2022, Plaintiff, Elvira DeAnda Lazure ("Lazure"), filed a lawsuit against Acorn in Cause No. 2022-02227, in the 80th Judicial District Court, Harris County, Texas.¹ Acorn was served with process on or about January 20, 2022, and the Return of Service was filed on January 18, 2022.² Acorn filed its Original Answer on February 14, 2022.³

2. Acorn timely files this notice of removal in accordance with 28 U.S.C. § 1446(b).

Bases for Removal

3. Removal is proper based on diversity of citizenship. 28 U.S.C. § 1332(a). In particular:

¹ Plaintiff's Original Petition is attached as Exhibit 1.

² Return of service is attached as Exhibit 2.

³ Defendant's Original Answer is attached as Exhibit 3.

- a. Plaintiff is domiciled in and is a citizen of Texas.⁴
- b. Acorn is a foreign corporation incorporated in Florida with its principal place of business in Orlando, Florida; therefore, its citizenship for purposes of determining diversity jurisdiction is Florida.⁵

4. Plaintiff alleges in her Original Petition that she seeks monetary relief of over \$1,000,000.00.⁶ All requirements are met for removal under 28 U.S.C. §§ 1332 and 1441(b).

5. Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and division embrace Harris County, Texas, the place where the removed action has been pending.

6. Pursuant to 28 U.S.C. § 1446(d), a copy of this notice of removal will be filed with the Clerk of the 80th Judicial District Court of Harris County, Texas and all parties.

7. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a). Those filings consist of Exhibit 1, Plaintiff's Original Petition, and the following additional filings, as required by Local Rule 81:

Exhibit 2: All executed process in the case;

Exhibit 3: Defendant's Original Answer with jury demand;

Exhibit 4: The docket sheet (no orders have been signed by the state judge);

Exhibit 5: An index of matters being filed; and

Exhibit 6: List of all counsel of record and parties represented

⁴ Exhibit 1, Page 1.

⁵ See *Ill. Cent. Gulf R.R. Co. v. Pargas*, 706 F.2d 633, 637 (5th Cir. 1983).

⁶ Exhibit 1, Page 18.

Jury Demand

8. Pursuant to Federal Rule of Civil Procedure 38, Acorn demands a trial by jury.

Prayer

Defendant, Acorn Stairlifts, Inc., respectfully gives notice that this state court action has been removed and placed on this Court's docket for further proceedings. Defendant further requests any additional relief to which it is justly entitled.

Respectfully submitted,

COZEN O'CONNOR, P.C.

By: 

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**ATTORNEYS FOR DEFENDANT
ACORN STAIRLIFTS INC.**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above document has been forwarded to all counsel of record by electronic court filing service and/or email, on February 17, 2022, as follows:

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